

## **REMARKS**

Claim 1 has been amended. Claims 41 - 46 have been cancelled from the application without prejudice. No new matter has been introduced with these amendments, all of which are supported in the application as originally filed. Claims 1, 3, and 8 are now in the application.

Applicant is not conceding that the subject matter encompassed by the claims as presented prior to this Amendment is not patentable over the art cited by the Examiner, and claim amendments and cancellations in the present application are directed toward facilitating expeditious prosecution of the application and allowance of the currently-presented claims at an early date. Applicant respectfully reserves the right to pursue claims, including the subject matter encompassed by the claims as presented prior to this Amendment and additional claims, in one or more continuing applications.

### **I. Rejection under 35 U. S. C. §112, second paragraph**

Page 2, last 2 paragraphs, of the Office Action dated August 28, 2008 (hereinafter, “the Office Action”) states that Claims 1, 41, and 44 are rejected under 35 U. S. C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the term “the particular one” is deemed problematic. Claims 41 and 44 have been cancelled from the application without prejudice. Applicant has amended Claim 1 herein to replace “the particular one” with “the particular user”, as suggested in the Office Action, thereby aligning with the antecedent “a particular user of the IM system” (Claim 1, line 3). The Examiner is therefore respectfully

requested to withdraw this rejection.

## II. Objection to the Claims

Page 3, first paragraph, of the Office Action states that Claims 1, 41, and 44 are objected to because of informalities. In particular, the term “the selected one” is deemed problematic, and the Office Action suggests replacing this term with “the selected user” to “remove any ambiguity from the claim language”. Applicant respectfully disagrees. Claims 41 and 44 have been cancelled from the application without prejudice. Independent Claim 1 recites “a selected one of a plurality of other IM users” (see line 6 of Claim 1, emphasis added). Accordingly, Applicant respectfully submits that the term “the selected one” is a proper reference to this antecedent “a selected one”, and that the claim language is therefore not “ambiguous”. The Examiner is therefore respectfully requested to withdraw this objection.

## III. Rejection under 35 U. S. C. §102(e)

Page 3 of the Office Action states that Claims 41 - 46 are rejected under 35 U. S. C. §102(e) as being anticipated by U. S. Patent 7,139,806 to Hayes et al. Claims 41 - 46 have been cancelled from the application without prejudice, rendering this rejection moot. The Examiner is therefore respectfully requested to withdraw this rejection.

## IV. Allowable Subject Matter

Applicant acknowledges the statement on Page 5 of the Office Action, next-to-last paragraph, that Claims 1, 3, and 8 are allowable over the prior art.

V. Conclusion

Applicant respectfully requests reconsideration of the pending rejected claims, withdrawal of all presently outstanding objections and rejections, and allowance of all remaining claims at an early date.

Respectfully submitted,

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